

By: Harris

H.B. No. 2478

A BILL TO BE ENTITLED

AN ACT

relating to identification requirements for early voting by mail;  
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 84.002, Election Code, is amended by  
amending Subsection (a) and adding Subsections (c) and (d) to read  
as follows:

(a) An early voting ballot application must include:

(1) the applicant's name and the address at which the  
applicant is registered to vote;

(1-a) a photograph or copy of:

(A) one form of photo identification listed in  
Section 63.0101(a); or

(B) one form of identification listed in Section  
63.0101(b) accompanied by a declaration of reasonable impediment as  
described in Section 63.001(i);

(2) for an application for a ballot to be voted by mail  
on the ground of absence from the county of residence, the address  
outside the applicant's county of residence to which the ballot is  
to be mailed;

(3) for an application for a ballot to be voted by mail  
on the ground of age or disability, the address of the hospital,  
nursing home or other long-term care facility, or retirement  
center, or of a person related to the applicant within the second

1 degree by affinity or the third degree by consanguinity, as  
2 determined under Chapter 573, Government Code, if the applicant is  
3 living at that address and that address is different from the  
4 address at which the applicant is registered to vote;

5 (4) for an application for a ballot to be voted by mail  
6 on the ground of confinement in jail, the address of the jail or of a  
7 person related to the applicant within the degree described by  
8 Subdivision (3);

9 (5) for an application for a ballot to be voted by mail  
10 on any ground, an indication of each election for which the  
11 applicant is applying for a ballot; and

12 (6) an indication of the ground of eligibility for  
13 early voting.

14 (c) A person is subject to prosecution for perjury under  
15 Chapter 37, Penal Code, or Section 63.0013 for a false statement or  
16 false information on a document executed under this section.

17 (d) Section 63.0101(c) applies to documentation provided  
18 under this section.

19 SECTION 2. Section 84.011(a), Election Code, is amended to  
20 read as follows:

21 (a) The officially prescribed application form for an early  
22 voting ballot must include:

23 (1) immediately preceding the signature space the  
24 statement: "I certify that the information given in this  
25 application is true, and I understand that giving false information  
26 in this application is a crime.";

27 (2) a statement informing the applicant of the

1 offenses prescribed by Sections 84.003 and 84.004;

2 (3) spaces for entering an applicant's voter  
3 registration number and county election precinct of registration,  
4 with a statement informing the applicant that failure to furnish  
5 that information does not invalidate the application; ~~and~~

6 (4) on an application for a ballot to be voted by mail:

7 (A) a space for an applicant applying on the  
8 ground of absence from the county of residence to indicate the date  
9 on or after which the applicant can receive mail at the address  
10 outside the county;

11 (B) a space for indicating the fact that an  
12 applicant whose application is signed by a witness cannot make the  
13 applicant's mark and a space for indicating the relationship or  
14 lack of relationship of the witness to the applicant;

15 (C) a space for entering an applicant's telephone  
16 number, with a statement informing the applicant that failure to  
17 furnish that information does not invalidate the application;

18 (D) a space or box for an applicant applying on  
19 the ground of age or disability to indicate that the address to  
20 which the ballot is to be mailed is the address of a facility or  
21 relative described by Section 84.002(a)(3), if applicable;

22 (E) a space or box for an applicant applying on  
23 the ground of confinement in jail to indicate that the address to  
24 which the ballot is to be mailed is the address of a relative  
25 described by Section 84.002(a)(4), if applicable;

26 (F) a space for an applicant applying on the  
27 ground of age or disability to indicate if the application is an

1 application under Section 86.0015;

2 (G) spaces for entering the signature, printed  
3 name, and residence address of any person assisting the applicant;

4 (H) a statement informing the applicant of the  
5 condition prescribed by Section 81.005; ~~and~~

6 (I) a statement informing the applicant of the  
7 requirement prescribed by Section 86.003(c); and

8 (J) a statement informing the applicant of the  
9 requirement that the applicant include a photograph or copy of  
10 identification described by Section 84.002(a)(1-a); and

11 (5) any forms that may be required to meet the  
12 identification requirements of Section 84.002.

13 SECTION 3. Section 86.001, Election Code, is amended by  
14 adding Subsection (f) to read as follows:

15 (f) If the application does not include a photograph or copy  
16 of one form of photo identification listed in Section 63.0101(a) or  
17 one form of identification listed in Section 63.0101(b) accompanied  
18 by a declaration of reasonable impediment, the clerk shall reject  
19 the application.

20 SECTION 4. Section 86.002(c), Election Code, is amended to  
21 read as follows:

22 (c) The clerk shall enter on a carrier envelope the voter's  
23 name in printed form, a notation that a statement of residence is  
24 enclosed, if applicable, a statement that the voter must include a  
25 photograph or copy of the voter's identification under Section  
26 86.005(c)(4), and any other information the clerk determines  
27 necessary for proper processing of the ballot.

SECTION 5. Section 86.003, Election Code, is amended by adding Subsection (e) to read as follows:

(e) The ballot materials provided under this section must include any forms that may be required to meet the identification requirements of Section 86.005(c)(4).

SECTION 6. Section 86.005(c), Election Code, is amended to read as follows:

(c) After marking the ballot, the voter must:

(1) place the ballot [it] in the official ballot envelope;

(2) [and then] seal the ballot envelope;

(3) [T] place the ballot envelope in the official carrier envelope;

(4) place in the carrier envelope a photograph or copy of:

(A) one form of photo identification listed in Section 63.0101(a); or

(B) one form of identification listed in Section 63.0101(b) accompanied by a declaration of reasonable impediment as described in Section 63.001(i);

(5) [and then] seal the carrier envelope; [T] and

(6) sign the certificate on the carrier envelope.

SECTION 7. The changes in law made by this Act apply only to an application to vote an early voting ballot by mail submitted on or after the effective date of this Act. An application to vote an early voting ballot by mail submitted before the effective date of this Act is governed by the law in effect when the application was

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1 submitted, and the former law is continued in effect for that  
2 purpose.

3 SECTION 8. This Act takes effect September 1, 2021.